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Deputy Michael H. Smith

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN BRATCHER,

Case No. 3:20-cv-02056-SB

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;
DEPUTY MICHAEL H. SMITH, in his
individual capacity; and DOES 1-4, in their
individual capacity,

**SUPPLEMENTAL DECLARATION OF
KENNETH S. MONTOYA IN SUPPORT
OF REPLY IN FURTHER SUPPORT OF
COUNTY DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Defendants.

I, Kenneth S. Montoya, hereby declare under the penalty of perjury that the following is true:

1. I am one of the attorneys representing Defendants Polk County and Deputy Michael H. Smith in this case ("County defendants"). This Supplemental Declaration is offered to present deposition testimony, and documents in support of Reply in Further Support of County Defendants' Motion for Summary Judgment.

2. On January 13, 2022, I hand delivered a cd with supplemental responses to Plaintiff's Request for Production to the office of plaintiff's counsel, including all photographs included in *Smith* Declaration, Exhibit 1 and *Smith* Supplemental Declaration, Exhibit 2.

3. Attached to this Declaration as "Exhibit 3" are selected pages from the September 30, 2021, deposition of Plaintiff, Kevin Bratcher, along with a certification page from Court Reporter D. Iwalani Carr, who certified the accuracy of the transcript on October 14, 2021.

4. Attached to this Declaration as "Exhibit 4" is a true and accurate copy of the Polk County Sheriff's Office Memorandum from September 23, 2019. Defendants produced this document in their Response to Plaintiff's Request for Production on May 7, 2021 as "County 0002-0010."

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED this 19th day of April, 2022.

s/Kenneth S. Montoya
Kenneth S. Montoya, OSB #064467
Attorney for Defendant Polk County and
Deputy Michael H. Smith

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing SUPPLEMENTAL DECLARATION OF KENNETH S. MONTOYA IN SUPPORT OF REPLY IN FURTHER SUPPORT OF COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT on:

Kevin T. Lafky
Lafky & Lafky
429 Court Street NE
Salem, OR 97301
Attorney for Plaintiff

Jennifer M. Gaddis
City of Salem Legal Department
555 Liberty St. SE, Room 205
Salem, OR 97301
Attorney for City of Salem

by the following indicated method or methods:

- by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;
- by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;
- by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 19th day of April, 2022.

s/Kenneth S. Montoya
Kenneth S. Montoya, OSB #064467
Attorney for Defendant Polk County and
Deputy Michael H. Smith